

IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

Favorable reconsideration of this application in view of the above amendments and in light of the following discussion is respectfully requested.

Claims 13-24 are pending. The present Amendment amends Claims 13-20 without introducing any new matter.

By way of review, the outstanding Office Action objected to the Drawings and the specification. In addition, Claims 13, 15, and 17 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite; Claims 13-15, 17-18, and 22-24 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,974,518 to Hornung et al. (hereinafter “Hornung”); Claim 16 was rejected under 35 U.S.C. § 103(a) as unpatentable over Hornung in view of U.S. Patent No. 4,322,926 to Wolfingseder et al. (hereinafter “Wolfingseder”); Claim 19 was rejected under 35 U.S.C. § 103(a) as unpatentable over Hornung in view of Wolfingseder; and Claims 20 and 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hornung in view of U.S. Patent No. 3,957,406 to Battersby.

In response to the objection to the drawings, submitted herewith is a Letter Submitting Drawing Sheets along with a Replacement Sheet for Fig. 1. Fig. 1 is amended to show that the end faces (12, 13) of the glass panes are level, as is recited in the specification as originally filed at page 11, lines 1-5. Accordingly, Applicants respectfully request that the objection to the drawings be withdrawn.

In response to the objection to the specification, the specification is amended to address the noted informalities. In addition, an Information Disclosure Statement (IDS) is filed herewith submitting the references discussed in Applicants’ specification. These amendments and the IDS are believed to overcome the objection to the specification, and it is respectfully requested that this objection be withdrawn.

Claims 13 and 15 are amended to address the rejection under 35 U.S.C. § 112. Claim 13 is amended to recite “the spacer including at least one approximately flat strip.” Claim 15 is amended to recite “at least one edge of the strip.” With respect to Claim 17, Figure 1 is amended, as discussed above, to be consistent with the recitation in the specification as originally filed. In view of these amendments, all of the claims are believed to be definite, and it is respectfully requested that the rejection under 35 U.S.C. § 112 be withdrawn.

Claim 13 is presently amended. The amendment to Claim 13 finds non-limiting support in the specification as originally filed and therefore does not raise a question of new matter.¹

It is respectfully requested that the rejection of Claims 13-15, 17-18, and 22-24 under 35 U.S.C. § 102(e) as anticipated by Hornung be withdrawn.

Independent Claim 13 relates to an insulating glazing panel. Claim 13 is amended to recite, *inter alia*:

...a spacer configured to keep the two glass panes apart, the spacer including at least one approximately flat strip fitted at least partly around a perimeter of the glazing panel and fixed by adhesive bonding using at least a first fastener...

... wherein the strip includes an internal face that at least partially faces the gas space, and at least a portion of the first fastener is placed on the internal face of the strip.

Turning to the applied reference, Figures 20A to 20F of Hornung illustrate an assembly of an integrated multipane window sash.² Figure 20C of Hornung depicts that a spacer (162) is placed on the first glazing pane (160).³ As can be seen in Figure 20D of Hornung, a second glazing pane (164) is placed on top of the spacer (162). Figures 20E and 20F of Hornung illustrate an adhesive (166) that has been pumped into a cavity between a sash frame (100) and the spacer (162).⁴ However, Hornung fails to disclose a strip that

¹ See the specification as originally filed, at page 10, lines 6-7; page 13, lines 15-38, for example.

² See Hornung, at col. 11, lines 39-41.

³ See Hornung, at col. 11, lines 55-58.

⁴ See Hornung, at col. 12, lines 2-11.

includes an internal face that at least partially faces the claimed gas space, and that the claimed first fastener *is placed at least on the internal face of the strip*.

Prior to the present Amendment, the Office Action identified the spacer (162) of Hornung as the claimed spacer.⁵ However, as can be seen in Figures 20E and 20F of Hornung, there is no adhesive (166) on an internal face of the spacer (162). Accordingly, Hornung does not disclose or suggest the features of amended independent Claim 13. It is submitted that amended independent Claim 13 and the claims depending therefrom are in condition for allowance.

With respect to the rejection of dependent Claims 16 and 19 as obvious over Hornung in view of Wolfingseder, Wolfingseder fails to cure the deficiencies in Hornung discussed above with respect to amended Claim 13. Specifically, as can be seen in Figure 1 of Wolfingseder, Wolfingseder fails to describe or suggest placing any adhesive compound (7) is on an *internal face* of the tubular bar (20). Accordingly, it is submitted that dependent Claims 16 and 19 are in condition for allowance for at least the same reasons as amended Claim 13, from which they depend.

With respect to the rejection of dependent Claims 20 and 21 as obvious over Hornung in view of Battersby, Battersby fails to cure the deficiencies in Hornung discussed above with respect to amended Claim 13. As can be seen in Figures 5-7 of Battersby, Battersby fails to describe or suggest placing any adhesive on the internal face of the spacers 12 or 12'. Accordingly, it is submitted that dependent Claims 20 and 21 are in condition for allowance for at least the same reasons as amended Claim 13, from which they depend.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 13-24 is earnestly solicited.

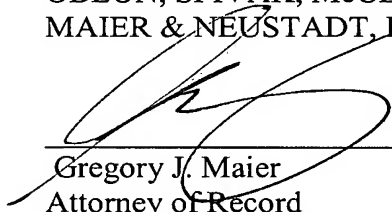
⁵ See the outstanding Office Action at page 6, section 6.

- Application No. 10/530,060
- Reply to Office Action of April 3, 2007

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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